

IN RE: PETITION FOR ZONING VARIANCE  
WS York Road, 473' N c/l  
Shawon Road  
(11426 York Road)  
8th Election District  
3rd Councilmanic District  
S K Properties, Limited  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-335 A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 250.2 to permit a side yard setback of 5 foot in light of the required 30 foot minimum and a sum of 47 feet for both side yard setback in lieu of the required minimum sum for both of 80 feet, as more particularly described on Petitioner's Exhibit 1. Petitioner's Exhibit 2 is a schematic rendering of this building and is offered as the final design that has received C.R.G. approval.

The Petitioner was represented by Leonard T. Bohager, of McKee and Associates, who appeared and testified. The additional testimony of Susan Knott was proffered by Stuart D. Kaplow, Esquire. Mr. Rick Bechfeld also appeared. There was one Protestant, Sarah H. Adams, who lives next door to the project.

This matter arises on the issue of a new variance for the property known as 11426 York Road, Hunt Valley, Maryland. The previous variance was issued by the Zoning Commissioner in case #88-311A. The new variance requested has arisen because of substantive design changes in the proposed development of the subject property. Specifically, the original design in case #88-311A was a three-story building of approximately 13,500 square feet located on the northern half of the property with most of the parking on the rear westerly portion of the property.

The new proposal in this matter is for an office building on the subject site of approximately 14,837 sq. ft. contained within a two-story elevated office building. Specifically, a two-story elevated office building allows for parking on what would normally be the ground level of the building and the two raised stories of the building will serve as the actual office areas. The remainder of the parking lot will be developed on the rear of the property substantially in compliance with the previous order.

The issues of hardship and practical difficulty and the requirements of Section 307.1 of the Baltimore County Zoning Regulations, have been, clearly, reviewed in matter #88-311A. Substantively the design deficiencies of this property and the particular hardships created thereon by the size, shape and topography of the lot have not changed since the previous hearing. The real issue to be determined is whether or not the new proposal is consistent with the health, safety and general welfare of the community in light of the changes that have been proposed by the Petitioner.

The issues raised in this variance request are created by the modified design concerning the height, area and bulk of the proposed structure. The determination that must be made is whether or not the proposal set forth on Petitioner's Exhibit 1 and more, clearly, developed on Petitioner's Exhibit 2, is consistent with the spirit and intent of the B.C.Z.R. Specifically, this development will take place without substantial injury to the public health, safety, and general welfare.

The development as set forth on Petitioner's Exhibit 1 will provide for a more comprehensive parking base and will not require any additional or different intrusions onto any adjoining residential properties. All of the variance request are still farthest removed from the adjoining residential properties and given the site dimensions and constraints of this property are consistent with the philosophical desire to place improvements in as least an obtrusive position as possible and still respect the right to develop the property.

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Clearly, the Protestant is opposed to the granting of the variance. Specifically, she is opposed to the granting of variances that will allow more intensive development upon the property than would be permitted as a matter of right. As I have stated in zoning case #88-311A and made clear at this hearing, this property is not developable from a reasonable business standpoint if some variance is not granted.

The Protestant raises several issues concerning the impact of this particular operation upon her adjoining residentially used property. Specifically, the Protestant is concerned with the perimeter fencing between the subject property, her property and exterior parking lot and exterior building lights. The Protestant is concerned that the Petitioner's project could interfere with the Protestant's private septic system. She also raised substantial issue with the inconvenience, noise, dust and other unacceptable intrusions naturally caused by intensive construction on an adjoining property.

There, simply, is no evidence in the record to indicate that the subject variance would, in any way, be a substantial injury to the public health and/or safety. There is some concern with some of the design features of this project that could negatively impact the general welfare, however, these items are not substantial and are easily remedied by certain restrictions set forth below in this opinion. Specifically, the Petitioner needs to make certain design changes concerning the southern property boundary between the Petitioner's property and the Adams' property.

There, simply, is no evidence in the record to indicate that the subject variance would, in any way, be a substantial injury to the public health and/or safety. There is some concern with some of the design features of this project that could negatively impact the general welfare, however, these items are not substantial and are easily remedied by certain restrictions set forth below in this opinion. Specifically, the Petitioner needs to make certain design changes concerning the southern property boundary between the Petitioner's property and the Adams' property.

-3-

ty, with reference to fencing and vegetative buffers. There are also certain corrective actions that can be taken concerning exterior lighting and exterior parking lot lighting which will minimize intrusions onto adjacent residential properties.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.), states that the Baltimore County Zoning Commissioner and/or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "the standard for granting a variance... is... whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." *McLean v. Soley*.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship. Clearly, the evidence establishes that practical difficulty and unreasonable hardship do exist and, therefore, the subject variance must be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

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- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be substantially detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of March, 1989, that the Petition for Zoning Variance from Section 250.2 to permit a side yard setback of 5 feet in lieu of the required 30 foot minimum and a sum of 47 feet for both side yard setback in lieu of the required minimum sum for both of 80 feet, as more particularly described on Petitioner's Exhibit 1 be and is hereby GRANTED, subject, however, to the following restriction:

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1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall develop, construct and ultimately improve the property consistent with the details set forth on Petitioner's Exhibits 1 and 2.

3. All exterior parking lot lighting shall be extinguished no later than 10:00 P.M. All exterior building lights shall be designed so as to not direct lighting upon the property known as 11424 York Road which is the residential property of the Protestant.

4. The Petitioner shall construct an 8 foot wooden privacy fence of the style known as "shadow box" or "board on board" so that the subject fence has an improved appearance on both sides. The required fencing shall begin at a point as shown on Petitioner's Exhibit 1 for the 5' x 130' long wooden privacy fence and run to a point equal to 182' long.

5. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

6. The Petitioner shall provide a landscape plan to the Office of Current Planning for approval by the Baltimore County Landscape Planner and said landscape plan shall then be submitted to the Zoning Commissioner for approval. The approved landscape plan shall become a permanent part of the record and file in this matter.

7. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
Baltimore County

-6-

JRH:mmm  
cc: Peoples Counsel  
Mr. Leonard T. Bohager  
Ms. Susan Knott  
Mr. Rick Bechfeld  
Ms. Sarah Adams

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

Stuart D. Kaplow, Esquire  
Suite 113, 305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
Case #89-335 A  
S K Properties, Ltd.  
Petitioner

Dear Mr. Kaplow:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
att.  
cc: Peoples Counsel  
Mr. Leonard T. Bohager, P.E.  
Ms. Susan Knott  
Mr. Rick Bechfeld  
Ms. Sarah Adams

March 16, 1989



Dennis F. Rasmussen  
County Executive

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-335-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 250.2 to permit a sideyard setback of 5' in lieu of required 30' minimum and a sum of 47' for both sideyard setbacks in lieu of the required minimum sum for both of 80'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)  
That there are unique physical conditions, including irregularity, narrowness and shallowness of lot and shape and exceptional topographical and other physical conditions peculiar to and inherent in the property; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the aforesaid provisions of these regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

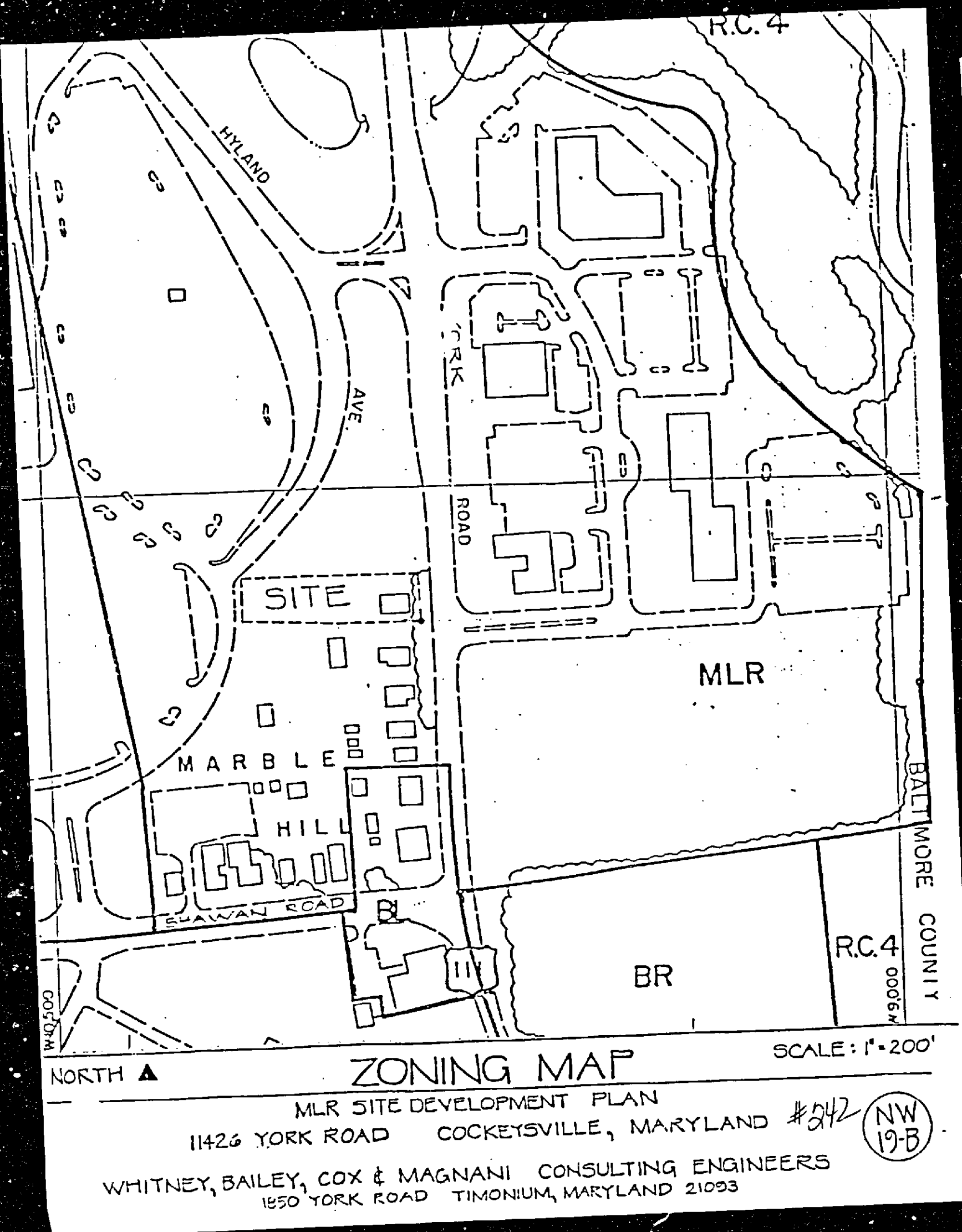
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

|                                    |   |
|------------------------------------|---|
| Contract Purchaser:                | Legal Owner(s):   |
| (Type or Print Name)               | S. K. Properties, Limited   |
| Signature                          | (Type or Print Name)  |
| Address                            | Signature   |
| City and State                     | (Type or Print Name)  |
| Attorney for Petitioner:           | Signature   |
| Stuart D. Kaplow                   | 1104 Kenilworth Drive 583-1803  |
| (Type or Print Name)               | Address Phone No.   |
| Signature                          | Towson, MD 21204  |
| Suite 113, 305 W. Chesapeake Ave.  | City and State  |
| Address                            | Name, address and phone number of legal owner, contract purchaser or representative to be contacted |
| Towson, MD 21204                   | Stuart D. Kaplow  |
| City and State                     | Name Suite 113, 305 W. Chesapeake Ave.  |
| Attorney's Telephone No.: 321-0600 | Towson, MD 21204 321-0600   |

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of April, 1989, at 9 o'clock A.M.

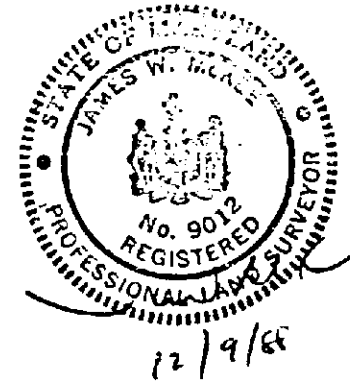
*J. Robert Haines*  
Zoning Commissioner of Baltimore County





**MCKEE & ASSOCIATES, INC.**  
Engineering - Surveying - Real Estate Development  
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030  
Telephone: (301) 252-5820  
December 9, 1988

DESCRIPTION TO ACCOMPANY  
PETITION FOR ZONING VARIANCE  
FOR 11426 YORK ROAD  
Beginning for the same on the west side of York Road, Maryland Route 45,  
66 feet wide, at a point located 473 feet, more or less north of the centerline  
of Shawan Road and running thence leaving said road, North 89° 22' 45" West  
163.30 feet; North 86° 59' 46" West 140.94 feet; South 89° 15' 25" West 10.32  
feet; North 01° 33' 31" West 80.26 feet; North 89° 08' 32" East 315.36 feet to  
the west side of York Road, 66 feet wide; thence binding thereon South 00° 44'  
33" East 93.98 feet to the point of beginning.



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

| NAME           | ADDRESS                                      |
|----------------|--|
| Sarah A. Adams | 11424 York Road<br>Cockeysville, MD<br>21030 |

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

| NAME              | ADDRESS                                  |
|-------------------|--|
| STUART D. KAPLOW  | 308 W. Chesapeake Ave. #112 21024        |
| LEONARD T. BRAWER | 11424 York Road<br>Hunt Valley, MD 21030 |
| Susan Knott       | 11424 York Road<br>Hunt Valley, MD 21030 |
| Rick Beckhold     | 1144 York Road<br>Hunt Valley, MD 21030  |

LAW OFFICES  
LEVIN, GANN & HANKIN

305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
301-251-0600  
FAX 301-256-2401

February 23, 1989

CALVIN A. LEVIN  
STANFORD G. GANN  
ROBERT M. HANKIN  
MELVIN A. STEINBERG  
JULIUS W. LICHTER  
SIDNEY WEINMAN  
ROBERT L. PELLER  
ANDREW R. SANDLER  
RANDOLPH C. KNEPPER  
BRIAN J. FRANK  
HOWARD L. ALDERMAN, JR.  
STUART D. KAPLOW  
JUDITH S. GANN  
MARK C. GANN  
\*ALSO ADMITTED IN DC  
\*ALSO ADMITTED IN NEW YORK

Ms. Sarah Adams  
11424 York Road  
Cockeysville, MD 21030

RE: 11426 York Road  
Case No: 89-335A

Dear Ms. Adams:

In response to your request at the hearing on the Petition for Variance, please find enclosed a copy of the letter from Creston J. Mills, Jr., Chief of the Bureau of Engineering Access Permits for the State Highway Administration.

As you will note from the letter, the State Highway Administration is revising its comments to show a future 40 foot right-of-way (measured from the center line) with an additional 20 foot easement.

Should you have any questions about the implications for your property, I might suggest that you telephone Larry Brocato at 333-1350.

Very truly yours,

Stuart D. Kaplow

SDK:cc

cc: J. Robert Haines  
Ms. Susan F. Knott

WILLIAM H. KNOTT TEL No. 296-3521 Feb 22, 89 14:24 No. 006 P-02

**SHA**  
Maryland Department of Transportation  
State Highway Administration

Highway Engineering  
Bureau  
Hal Kassoff  
Administrator

February 22, 1989

Mr. Robert Covahey, Chief  
Bureau of Public Services  
County Office Building  
Towson, Maryland 21204

Re: Baltimore County  
11426 York Road  
CRG Meeting of 2-9-89  
W/S York Road  
North of Shawan Rd.

Dear Mr. Covahey:

This is a follow up to our CRG comments of 2-8-89 in which we required a future 100' right of way (measured from the centerline of York Road).

Our comments should be revised to show a future 40' right of way (measured from the centerline) plus an additional 20' for a perpetual easement we will need in conjunction with our York Road improvements in this area.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Creston J. Mills, Jr., Chief  
Bureau of Engineering  
Access Permits

LB:maw

cc: Mr. Stuart Kaplow  
McKee & Associates  
Mr. J. Dyer

ZONING COMMISSIONER - WITNESS FORM

NAME: Stuart D. Kaplow  
ADDRESS: \_\_\_\_\_  
COMPANY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

REPRESENTING: \_\_\_\_\_

SUPPORTING: PETITIONER ☒ PROTESTANT ☐

TESTIMONY: Mrs. Adams - Owner  
in only two feet off of  
proposed line.

Fence - 8ft. high curb side

Signs on Building - no exterior  
signs for parking

110'

11424 York Rd.

Cockeysville 21030

LAW OFFICES  
LEVIN, GANN & HANKIN

305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
301-251-0600  
FAX 301-256-2401

February 20, 1989

Creston J. Mills, Jr., Chief  
Bureau of Engineering Access Permits  
State Highway Administration  
707 N. Calvert Street  
Baltimore, MD 21203-0717

RE: SK Properties, Ltd.  
Baltimore County  
Item No: 242

Dear Mr. Mills:

This letter will serve to confirm both certain conversations that were held during the week of Friday, February 17, 1989 with respect to a perpetual slow easement and earlier conversations with respect to the location and width of the proposed driveway entrance for the real property known as 11426 York Road, Cockeysville, Baltimore County, Maryland.

Specifically, with respect to certain questions that arose on or before Thursday, February 9, 1989 with respect to any required right-of-way for the State Highway Administration that might be necessitated by any future proposed widening of York Road, my clients will, in addition to the 40 foot right-of-way as shown on the CRG Plan as approved, will grant unto the State Highway Administration, at the sole cost of the SHA, a perpetual easement for an additional 20 feet wide width of land running parallel with York Road beyond the now existing 40 foot right-of-way.

It is further my understanding that certain disputes and differences with the traffic engineering bureau of the Baltimore County Public Works Department have been resolved with respect to the location and width of the proposed driveway and that the location and dimension of the driveway, as shown on the Plat accompanying the Petition for Zoning Variance is acceptable. Should the above not be correct or should I need be of any further assistance to you, please contact me immediately as this

RECEIVED  
FEB 23 1989

ZONING OFFICE

Creston J. Mills, Jr., Chief  
February 20, 1989  
Page 2

matter is scheduled for a hearing before the Zoning Commissioner of Baltimore County of February 22, 1989.

Thanking you for all of your courtesies in this matter, I am,

Very truly yours,

Should

Stuart D. Kaplow

SDK:cc

cc: The Honorable Frank X. Kelly  
Ms. Susan F. Knott  
J. Robert Haines, Zoning Commissioner





Developed by  
**SK Properties Ltd.**  
Constructed by  
**William H. Knott**

# CERTIFICATE OF PUBLICATION

TOWSON, MD., February 7, 1989

THIS IS TO CERTIFY that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb. 2, 1989.

TOWSON TIMES

*S. Zabe Orban*  
Publisher

PO 09607  
NY 14522  
NY 89335  
NY 47529

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance, Case No. 89-335-A, at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:00 a.m. on February 22, 1989.

Petitioner: SK Properties, Limited  
Case No. 89-335-A  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Variance to permit a sideyard setback of 5 ft. in lieu of the required 30 ft. minimum and a sun of 47 ft. for both sideyard setbacks in lieu of the required minimum sun for both of 80 ft. in the rear of the lot.

At the hearing, the Petitioner may be asked to provide additional information or to withdraw the petition. The Zoning Commission will consider any request for a stay of the hearing of said petition during the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner  
Baltimore County  
2017 Feb 2

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 2-7-89



For: Petition for Zoning Variance  
CASE NO. 89-335-A  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

8th Election District - 3rd Councilmanic  
Petitioner(s): SK Properties, Limited  
HEARING SCHEDULED: WEDNESDAY, FEBRUARY 22, 1989 at 9:00 a.m.

Gentlemen:

Please be advised that \$110.29 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the fee to the County Office, County Office minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 000000

DATE: 2/22/89 ACCOUNT: ROLLS-000

AMOUNT: \$ 110.29

RECEIVED FROM: SK Properties, Limited

FOR: 2/22/89 Hearing

111-335-A

VALIDATION OR SIGNATURE OF CASHIER

# NOTICE OF HEARING

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

January 13, 1989



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NO. 89-335-A  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

8th Election District - 3rd Councilmanic  
Petitioner(s): SK Properties, Limited  
HEARING SCHEDULED: WEDNESDAY, FEBRUARY 22, 1989 at 9:00 a.m.

Variance to permit a sideyard setback of 5 ft. in lieu of the required 30 ft. minimum and a sun of 47 ft. for both sideyard setbacks in lieu of the required minimum sun for both of 80 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: SK Properties, Limited  
Stuart D. Kaplow, Esq.  
File

# CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th Date of Posting: 2-1-89

Posted for: Variance

Petitioner: SK Properties, Limited

Location of property: 111 W. Chesapeake Avenue, 473' N c/l Shawan Road

Location of Sign: 111 W. Chesapeake Avenue, 473' N c/l Shawan Road

Remarks: J. Robert Haines

Posted by: J. Robert Haines Date of return: 2-10-89

Number of Signs: 1

89-335-A  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 22nd day of February, 1989.

J. Robert Haines  
Zoning Commissioner

Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

Petitioner: S. K. Properties, Ltd.  
Petitioner's Attorney: Stuart D. Kaplow, Esquire

# LAW OFFICES

LEVIN, GANN & HANKIN

A PROFESSIONAL ASSOCIATION  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
301-321-0600  
FAX 301-296-7801

January 13, 1989

J. Robert Haines  
Zoning Commissioner for Baltimore County  
111 W. Chesapeake Avenue  
Towson, MD 21204

RE: SK Properties, Ltd.  
Item No. 242

Dear Bob:

As you may be aware, I represent SK Properties, Ltd., the owner of a parcel of ground on York Road North of Shawan Road that on or about December 7, 1988 filed a Petition for a Variance from the sideyard setback requirements.

By this letter, I am kindly requesting that whatever efforts might be made to have this matter scheduled for a hearing on an expedited basis, be so made.

I am aware that there is some backlog in scheduling hearings, however, whatever might be done to have this Petition scheduled for a hearing at the earliest possible date would be greatly appreciated. As you may recall, this Petition was filed in response to a brief conversation we had in late November wherein we discussed the fact that you had at an earlier date granted the identical Variance requested but that because of a modification in the building design, my clients have determined that it was appropriate to file this new Petition. The CRG Plan has already been filed for this project and any delay serves only to further burden my clients who in earnest believed that the earlier Variance they had obtained was all that was required.

Again, with that in mind, I would kindly request that this Petition be scheduled for hearing as soon as might be practicable. Thanking you in advance for all of your courtesies, I am,

Very truly yours,

Stuart D. Kaplow

SDK:cc  
cc: Ms. Susan F. Knott

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 7, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

MEMBERS

Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Stuart D. Kaplow, Esquire  
305 W. Chesapeake Avenue  
Suite 113  
Towson, MD 21204

RE: Item No. 242, Case No. 89-335-A  
Petitioner: S. K. Properties, Ltd.  
Petition for Zoning Variance

Dear Mr. Kaplow:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

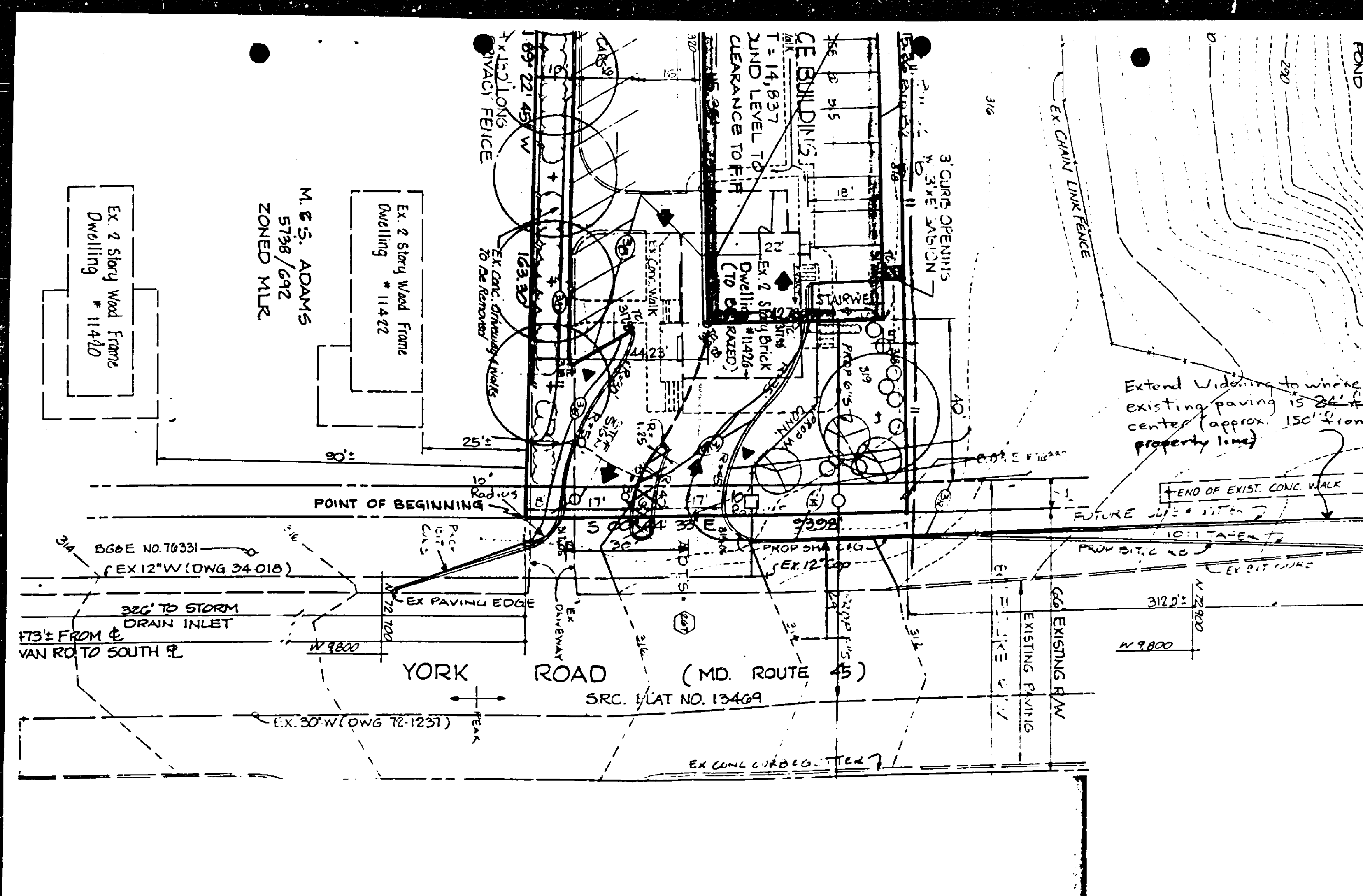
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
James E. Dyer/jw  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: S. K. Properties, Ltd.  
1104 Kenilworth Drive  
Towson, MD 21204







**Maryland Department of Transportation  
State Highway Administration**

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

January 18, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Md. 21204

Attn: Mr. James Dyer

Re: Baltimore County  
SK Properties Limited  
Zoning Meeting  
of 12-27-88  
W/S York Rd., MD 45  
473' North of Centerline  
of Shawan Road  
(Item #242)

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a side yard setback of 5' in lieu of the required 30', we have the following comment.

The plan must be revised to show a 30' entrance serving this property and all improvements as shown on the attached revised plan.

It is requested this revision be made prior to a hearing date being set.

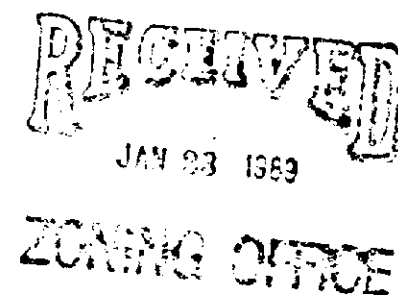
If you have any questions, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

*Ernest J. Mills, Jr.*  
Ernest J. Mills, Jr., Chief  
Bureau of Engineering  
Access Permits

LB:maw

cc: McKee & Assoc., Inc. (w-attachment)  
Mr. J. Ogle (w-attachment)



333-1350

My telephone number is (301) \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

**BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT**

*12/29/88*  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 242, Zoning Advisory Committee Meeting of December 27, 1988

Property Owner: SK Properties Limited

Location: W/S York Rd., 473' N of centerline of Shawan Rd. District: 8

Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- (X) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- (X) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.
  - ( ) The results are valid until \_\_\_\_\_
  - ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
  - ( ) shall be valid until \_\_\_\_\_
  - ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- ( ) Others \_\_\_\_\_

*G.A. Etnel*  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

January 12, 1989

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: S K Properties, Limited

Location: 11426 York Road

Item No.: 242

Zoning Agenda: Meeting of 12/27/88

*Dennis F. Rasmussen*  
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Additional fire hydrant shall be required at Entrance Drive.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_  
EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* 1-16-89  
Planning Group  
Special Inspection Division

NOTED &  
APPROVED: *Pat Keller*  
Fire Prevention Bureau

1/21

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

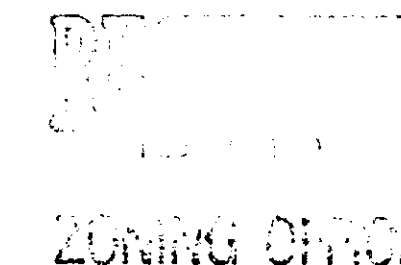
J. Robert Haines  
TO: Zoning Commissioner Date: February 1, 1989

Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning

Zoning Petition Nos. 89-222-SPH (Lawrence); 89-302 (Lagna); 89-303-A (Gorn);  
SUBJECT: 89-225-A (Penn Ltd.); 89-335-A (SK Properties); 89-326-A (Angelos);  
89-332-A (Haynes); 89-333-A (Hart)

The Office of Planning and Zoning has no comment on the above petitions.

PK/sf





C.R.G. PLAN OF  
2 STORY OFFICE BUILDING  
11426 YORK ROAD  
HUNT VALLEY MD. 21030

8TH ELECTION DIST. BALTIMORE CO. MD.  
SCALE: 1"=20' DATE: 126  
REV. DATE: 126  
PUBLIC SERVICES DIV. 80-206 PLANNING DIV.